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Air Products Manufacturing Corporation and Air
Products and Chemicals, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAN FRANCISCO BAYKEEPER, a non-
profit corporation,

Plaintiff,

vs.

AIR PRODUCTS MANUFACTURING
CORPORATION; and AIR PRODUCTS AND
CHEMICALS, INC.,

Defendants.

Case No. 3:19-cv-07518-RS

**STIPULATION TO EXTEND TIME TO
RESPOND TO COMPLAINT AND TO
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE;
ORDER AS MODIFIED BY THE
COURT**

1 Pursuant to Civil Local Rule 7-12, the parties, Plaintiff, San Francisco Baykeeper, and
2 Defendants, Air Products and Chemicals, Inc., and Air Products Manufacturing Corporation
3 (collectively, “Defendants”), by and through their respective counsel, stipulate and request that
4 the court enter an order extending defendant’s time to file an answer or other responsive pleading
5 by 90 days. The parties state as follows:

6 1. Plaintiff filed its complaint on November 14, 2019.

7 2. On January 6, 2020, Defendants received by certified mail a copy of the summons
8 and the complaint, making March 6, 2020, the deadline for Defendants to answer or otherwise
9 respond to the complaint.

10 3. On January 21, 2020, based upon the parties’ belief that an early settlement in the
11 matter was possible, the parties filed a Stipulation to Extend Time to Respond to Complaint and
12 to continue the Initial Case Management Conference. ECF 7. The parties agreed that the initial
13 case management conference would be continued from February 19, 2020 to April 20, 2020 and
14 the deadline for Defendants to answer or otherwise respond to the complaint would be continued
15 to May 5, 2020. The stipulation was granted by Judge Nathanael Cousins on January 1, 2020.

16 4. On January 23, 2020, the case was reassigned to Judge Richard Seeborg. On
17 January 27, 2020, Judge Seeborg rescheduled the initial case management conference for 10:00
18 AM on April 23, 2020. ECF No. 14.

19 5. The parties have since conferred extensively and have made significant progress
20 toward reaching a resolution. However, the parties’ efforts at finalizing a settlement have been
21 complicated by the current COVID-19 pandemic, which makes it impossible to commit to the
22 deadlines for design and construction elements of the remedy previously anticipated by the
23 parties.

24 6. The parties do not wish to incur further fees in preparing or opposing dispositive
25 motions at this time given the possibility of settlement, and do not wish to cause the Court to use
26 its time in considering motions that may be obviated by an early settlement. In an effort to resolve
27 this matter without further litigation, the parties desire to continue negotiating in good faith to
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1 resolve the issues posed by the COVID-19 pandemic and anticipate reaching a final settlement in
2 this action within an additional ninety (90) days.

3 7. Plaintiff and defendants are therefore in agreement that Defendants' date to file an
4 Answer or other pleading responsive to the Complaint be extended by 90 days, to August 3, 2020.

5 8. By Order dated January 27, 2020, the Court set an initial case management
6 conference at 10:00 AM on April 23, 2020. ECF No. 14. The parties further stipulate to continue
7 the initial case management conference from April 23, 2020 to July 22, 2020, or as soon
8 thereafter as the Court is available.

9 (a) Further deadlines shall correspond to the new Case Management Conference
10 date, such that: The Parties' ADR certifications and stipulations to ADR
11 process or notices of need for an ADR phone conference shall be due one week
12 before the Case Management Conference.

13 (b) The Parties' Rule 26(f) Report and Joint Case Management Statement shall be
14 due one week before the Case Management Conference.

15 9. This change will not alter the date of any other event or deadline already fixed by
16 Court order, other than the date of the initial case management conference.

17 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants
18 that Defendants will have until August 3, 2020 to respond to Plaintiff's complaint. The parties
19 further respectfully request that the initial case management conference be continued to July 23,
20 2020.

21 **SO STIPULATED**

22 DATED: April 8, 2020

Respectfully submitted,

SAN FRANCISCO BAYKEEPER

25 By: /s/ M. Benjamin Eichenberg
M. Benjamin Eichenberg

26 Attorney for Plaintiff
27 San Francisco Baykeeper

1 DATED: April 8, 2020

PAUL HASTINGS LLP

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3 By: /s/ Molly Coyne
4 Molly Coyne

5 Attorney for Defendants
6 Air Products Manufacturing Corporation and
Air Products and Chemicals, Inc.


7 **ECF ATTESTATION**

8 In accordance with Civil Local Rule 5(i)(3), I, Molly Coyne, attest that I have obtained
9 concurrence in the filing of this document from the other signatory listed here.

10 **ORDER**

11 PURSUANT TO STIPULATION, IT IS SO ORDERED. Defendants are to answer or otherwise
12 respond to Plaintiff's complaint by August 3, 2020. The initial case management conference will
13 be held on July 23, 2020 at 10:00 AM. The parties shall file a joint case management statement
14 seven days prior to the conference.

15 DATED: April 13, 2020

16 By: 
17 Hon. Richard Seeborg
18 United States District Court Judge
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